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November 21, 2021

By ECF

Honorable Paul A. Engelmayer
United States District Judge
Eastern District of New York
Sitting by designation
40 Foley Square
New York, NY 10007

Re: *United States v. Lucio Celli*, 19 Cr. 127 (PAE)

Your Honor:

I represent Lucio Celli in the above-captioned case. I was appointed on October 16, 2020, and represented Mr. Celli through his sentencing on July 20, 2021. I then filed a notice of appeal at his instruction. After filing the notice of appeal, Mr. Celli accused me of misconduct and asked that I be relieved. I relayed his request to the Second Circuit. *E.g.*, Ex. A. The Court of Appeals relieved me on November 4, 2021. Ex. B. On November 15, Daniel Perez, Esq. was appointed to represent Mr. Celli.

Mr. Celli's supervised release terms (Ex. C) contemplate a lawyer providing ongoing assistance, *e.g.*, to approve his court filings before they are submitted. Mr. Celli is presently being sued by another Department of Education-affiliated individual and needs to file certain papers. I spoke with Mr. Perez, who informed me that he is appointed solely to handle Mr. Celli's appeal and cannot help him implement his supervised release conditions.

I respectfully submit that substitute counsel is necessary to help Mr. Celli implement the terms of his supervised release both because there has been a breakdown in communication between the two of us and because there is a conflict. The conflict arises because Mr. Celli needs approval before filing documents in which he accuses me (and associate counsel Dorea Silverman) of misconduct. In circumstances where I cannot certify that a proposed filing does not contain a threat, I am conflicted or at least subject to appearances of impropriety. I have spoken extensively with Mr. Celli about this matter and we both believe that new counsel is needed.

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For the foregoing reasons, I respectfully request that the Court appoint substitute counsel to represent Mr. Celli for purposes of implementing his supervised release terms. I am available to answer any questions. Thank you for your consideration.

Respectfully submitted,


/s/ Benjamin Silverman
Benjamin Silverman
Attorney for Lucio Celli

cc: Counsel of Record (by ECF)
Probation Officer Hillel Greene (by email)
Lucio Celli (by U.S. Mail)
Daniel Perez, Esq. (by email)

The Court is today issuing a summons directing Mr. Celli to appear at conference on **December 1, 2021 at 3:30 p.m. in Courtroom 1305** in the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY, to address concerns about non-compliance with terms of supervised release that have been raised by the Probation Department. At that conference, the Court will take up the application by Mr. Silverman to be relieved from his representation of Mr. Celli in the district court and for the appointment of successor counsel. The Clerk of Court is requested to terminate the motion at Dkt. No. 186.

11/22/2021

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge